

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUANITA STOCKWELL, et al.,

Plaintiffs,

No. C 08-5180 PJH

v.

CITY AND COUNTY OF SAN
FRANCISCO,

**ORDER GRANTING MOTION TO
SUPPLEMENT THE PLEADINGS AND
VACATING PRETRIAL SCHEDULING
ORDER**

Defendant.

The motion of plaintiffs Juanita Stockwell, et al. ("plaintiffs") for an order granting leave to supplement the pleadings pursuant to Federal Rule of Civil Procedure 15 came on for hearing on April 7, 2010. Plaintiffs appeared by their counsel Ryan Hicks, and defendant City and County of San Francisco appeared by its counsel Jonathan Rolnick. Having carefully reviewed the parties' papers and considered the arguments of counsel and the relevant legal authority, and good cause appearing, the court hereby grants plaintiffs motion, for the reasons stated at the hearing, and summarized as follows.

Because the court finds it unnecessary for plaintiff to file a second case addressing a matter that is related to the pending matter, even if it does not necessarily arise out of the identical conduct of defendant, the court hereby GRANTS plaintiffs' motion to supplement the first amended complaint. However, before the plaintiffs can file the proposed supplemental complaint, they must delete the erroneous reference to San Francisco Police Chief Heather Fong in paragraph 15, as plaintiffs' counsel confirmed at the hearing that plaintiffs are suing neither former Chief Fong nor current Chief Gascon.

In order to address defendant's concerns about the impact of both the supplemental claims and class certification on the scope of discovery, the court VACATES the pretrial

1 schedule. After the court rules on the plaintiffs' motion for class certification, the parties
2 shall meet and confer and submit a stipulation to the court regarding further discovery
3 dates, or the parties may request that a further case management conference be
4 scheduled. Plaintiffs must file their motion for class certification within 30 days of the date
5 of this order.

6 **IT IS SO ORDERED.**

7 Dated: April 7, 2010



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PHYLLIS J. HAMILTON
United States District Judge